

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:589

ANSWERED ON:03.12.2004

AMENDMENT IN PATENT BILL

Purandeswari Smt. Daggubati;Singh Shri Kirti Vardhan

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether Indian Pharmaceutical Alliance has sought certain amendments to Patent(Amendment) Bill to safeguard already patented compounds from patentability in new forms;
- (b) if so, details thereof and reaction thereto;
- (c) whether the Government also proposes to amend Patent Bill in accordance to the WTO agreements;
- (d) if so, details thereof ;
- (e) the time by which the said proposals will be implemented;
- (f) whether the Government has taken measures to address the concern of Indian companies before amending the patent law; and
- (g) if so, the details thereof and measures taken to ensure that foreign companies cannot claim patents of products already in Indian market?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI E.V.K.S. ELANGO VAN)

(a) to (g): Under the TRIPS agreement of WTO Agreement, India has an obligation to amend the Patents Act, 1970 to provide for product patent protection in all fields of technology with effect from January 01, 2005. In order to identify the elements of the proposed amendments, Government undertook extensive and broadbased country-wide consultations involving different stakeholders, including all sections of the pharmaceuticals industry. The Indian Pharmaceutical Alliance in its submission has suggested, inter alia, for retention of pre-grant opposition, no patents to polymorphs, hydrates, isomers, metabolites etc. All views and concerns will be taken into consideration suitably before finalising the said amendment.